

REMARKS

Claims 2-3 and 5-9 and 11-18 are pending in this application. Claims 2, 10 and 13-15 are allowed. Claims 7-9 remain withdrawn from consideration by the Examiner for being drawn to non-elected subject matter. By this Amendment, Claims 1, 4 and 10 are canceled without prejudice or disclaimer; the subject matter of canceled Claim 1 is incorporated into Claims 5 and 6 by amendment, the subject matter of canceled allowable Claim 10 is incorporated into Claim 2, Claims 7-8 and 11-14 are amended to address any antecedent basis issues arising based on the above-described amendments; and Claims 16-18 (which correspond to originally filed Claims 7-9) are added to depend from Claim 6. In view of the above, Applicants respectfully submit that no new matter is presented herein.

Allowed and Allowable Subject Matter

Applicants respectfully acknowledge and appreciate the indication by the Examiner that Claims 2, 10 and 13-15 are allowed.

Applicants presume that Claims 3, 5-6 and 11-12, although objected to for being dependent upon a rejected base claim, i.e., Claim 1, would be in condition for allowance if rewritten or amended to include all of the features of the base claim and any intervening claims since the claims have not been objected to or rejected for any other reason.

In view of the amendments to Claims 2 and 5-6 described above, Applicants respectfully submit that Claim 2 is in condition for allowance by virtue of being amended to include the indicated allowable subject matter of Claim 10; and that Claims 5-6 are believed to be in condition for allowance by virtue of their being amended to be in

independent form, including adding the subject matter of now-canceled base (independent) Claim 1. In other words, Claims 2 and 5-6 are now believed to be allowable.

Claims 3 and 11-15 depend from allowable Claim 2. Claims 7-9 depend from allowable Claim 5. Claims 16-18 depend from allowable Claim 6.

Claim Rejections – 35 U.S.C. §102 & §103

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,674,000 to Lambiaso while Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lambiaso. Although the rejections are rendered moot by virtue of Claims 1 and 4 being canceled herein, Applicants respectfully traverse the rejections as if they were applied against Claim 2, which now recites that which was recited by canceled Claim 4.

Claim 2 recites a vehicle power cables retaining structure for retaining power cables, including power cables laid out along an underside of a floor of an electric vehicle, and metallic protection pipes for passing the power cables individually therethrough, wherein the metallic protection pipes are then retained on the underside of the floor of the vehicle.

Applicants respectfully submit that Lambiaso fails to disclose or suggest each and every feature recited by Claim 2.

Specifically, Applicants note the Office Action asserts Lambiaso discloses metallic protection pipes for passing the power cables (24) individually therethrough.

The Office Action points to reference number (44) in Figures 4 and 5 as well as reference number (66) in Figures 5 and 6A for the notion of teaching metallic pipes.

Applicants respectfully disagree as a brief review of Lambiaso reveals information that clearly and undeniably refutes that which is asserted by the Office Action.

In particular, Applicants note reference number (44) clearly and unambiguously discloses a plate and not a pipe. Moreover, at no point does a cable (24) pass through the plate (44). Rather, the electrical connector (60) to which an end of the cable (24) is connected, is actually placed either on the plate (as in Figure 4) to facilitate connecting two cables or actually passes through an opening in the plate (as in Figure 5). But at no point does Lambiaso disclose or remotely suggest the plate (44) is configured into a channel or tubular shaped member through which the cable (24) will pass.

Moreover, with regards to reference number (66), Applicants note a brief review of Lambiaso reveals the number actually identifies a nut that is commonly used in electrical connections rather than a pipe through which a cable may pass. Moreover, Applicants note that the "nut" (66) is at an end of the electrical connector (6) which is opposite to and remote from the other end of the connector (60) to which the end of the cable (24) is connected. In order for the "nut" to read on the claimed pipe, Applicants respectfully submit that at least some portion of the cable (24) should pass therethrough. However, Lambiaso teaches the end of the cable (24) which is held by the connector (60) is connected to the first end (62) of the connector (60). Moreover, the end of another cable (24) is held by the second end (64) of the same connector (60) whereby the "nut" (66) defines the dividing line or barrier between the two cables (24, 24). But at no point does either cable (24 or 24) actually pass through the "nut" (66).

As such, Applicants respectfully submit that Lambiaso fails to disclose or suggest each and every feature recited by Claim 2.

To qualify as prior art, each and every feature of a rejected claim must be disclosed or suggested by the applied art of record.

In view of the above, Applicants respectfully submit Claim 2 is not anticipated by or rendered obvious in view the teachings of Lambiaso. Thus, Applicants respectfully submit that Claim 2 should be deemed allowable over Lambiaso for at least these reasons.

Claims 3 and 11-5 depend from Claim 2 and should be deemed allowable for at least the same reason(s) Claim 2 is allowable as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections.

Rejoinder of Claims 7-9 and 13-18

As noted in the Response dated August 8, 2005 and the Response dated April 26, 2006, Applicants respectfully submit that Claims 1-6 and 10-12 are generic to all species. Accordingly, upon the allowance of generic Claims 2 and 5-6, Applicants respectfully request the rejoinder of the claims directed to the non-elected species, i.e., Claims 7-9 and 13-18, as provided by 37 C.F.R. § 1.141.

Formalities

Applicants respectfully point out that the Office Action Summary sheet attached to the outstanding Office Action should have checked box 12) a) 1. and not box 12) a) 3. since the instant application is not a National Stage application.

Moreover, a review of the Applicants' file failed to uncover or locate that the Examiner has considered JP-A-5-207610 listed in the Information Disclosure Statement filed on January 22, 2004. In view of the above, Applicants respectfully request the

Examiner provide an initialed copy of form PTO 1449 indicating consideration of the reference cited thereon. A copy is attached for the Examiner's convenience.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejections, rejoinder of Claims 7-9 and 13-18, allowance of Claims 2-3, 5-9 and 11-18, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107355-00106.**

Respectfully submitted,
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Enclosures: PTO 1449
Information Disclosure Statement; PTO SB/08a